UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,642	02/06/2004	Glen Sgambati	026514-000100US	7640

20350 7590 03/24/2010

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER	
VIZVARY, GERALD C	

ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/773,642	SGAMBATI ET AL.	
	Examiner	Art Unit	
	GERALD C. VIZVARY	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 January 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-13 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4, 6-13 & 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In the amendment filed 1/19/2010, the following has occurred:

   a. Claims 1, 2, 4, 7, 8 & 13 have been amended.

   b. Claims 5 & 14-16 have been canceled.

Now, claims 1-4, 6-13 & 17 are presented for examination.

Claim Rejections - 35 USC § 112

2. Following applicant's amendments, the previous rejections under 35 USC § 112 are hereby withdrawn. However, see the following:

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The recitation "the non-participant institutions are entities that are capable of supplying account-owner data, but are not obligated to provide account-owner data to the account-owner verification database and that are unable to access the account-owner verification database" it is unclear how non-participant institutions are capable of supplying account owner data, nor is it clear how they could be obligated to supply such data to a database that they are unable to access.

Response to Arguments

4. Applicant's arguments, see pp. 12-14, filed 1/19/2010, with respect to the rejection(s) of claim(s) 1-4, 6-13 & 17 under Stewart 2002/0120846 A1 in view of Srinivasa US 2003/0115189 A1 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6-13 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1

As per claim 1 (Currently Amended) Stewart 2002/0120846 A1 discloses a method of populating and using an electronic account-owner verification database comprising:

(a) receiving account-owner data elements linked to ~~associated with~~ accounts maintained at at least one participant institution and at least one non-participant institution, each account-owner data element also corresponding to a data element field in the database, ("As is known in the art, the SCAN server 160 includes a database of

check information that includes the history of check activity for individuals, and is used to make determinations as to whether a personal check should be accepted from a person paying by check. The check information in the database includes information about closed accounts, stop payments, uncollected funds, payees that are deceased, frozen accounts, and the identity of high-risk customers, i.e., customers that have a high likelihood of writing checks that may be returned due to insufficient funds. The SCAN server 160 includes a SCAN online module 161 (real-time risk management system that utilizes both the MICR information from the check and the customer's driver's license number), a SCAN reporter 162 (a module that creates reports in response to queries), and a SCAN host 163 (the base software and the database of check information). The SCAN server 160 may execute check authorization filters if an authorization service request is received." Stewart 2002/0120846 A1 ¶ [0056])

(b) receiving data elements from a plurality of check images corresponding to a plurality of checks, wherein:

the plurality of check images include account-owner data elements linked to ~~associated with~~ accounts maintained at non-participant institutions,

each non-participant data element also corresponds to a data element field in the database [[, and]];

~~.the non-participant institutions are entities that are not obligated to provide account owner data to the account owner verification database and that are unable to access the account owner verification database,~~

(c) populating the data element fields of the electronic account-owner verification database with the account-owner data elements linked to ~~associated with~~ accounts maintained at the participant institutions and the non-participant institutions; (d) entering into a computer system having the electronic account-owner verification database, for an account to be verified: (i) an account number, and (ii) at least one data element corresponding to the entered account number; (e) querying by the computer system the account-owner verification database which includes account-owner data linked to associated with accounts maintained at both the participant institutions and the non-participant institutions: (f) transmitting by the computer system a response from the account-owner verification database for each of the entered data elements, wherein the response is positive for a given data element if the account-owner data stored in the data element field corresponding to the entered account number matches the entered data clement, the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response specifies ~~supplies information indicating~~ that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding 1o the entered account number ("The invention provides an identity verification system for verifying the identity of a consumer involved in a debit transaction. The identity verification system may include an identity verification module including a fraud indicator search module and a consumer identity validation search module. The identity verification module may be configured to receive a request to verify the identity of a consumer involved in a debit

transaction, receive at least one consumer identification debit data element, generate an identity verification score, compare the identity verification score against a threshold value, and generate a response message to the request to verify the identity of a consumer involved in a debit transaction. The response message provides a confirmation or invalidation of the identity of the consumer." Stewart 2002/0120846 A1 ¶ [0041]); and

(g) generating a report of the response. (The consumer's bank 42 records the payment on the consumer's bank statement and sends the bank statement to the consumer." Stewart 2002/0120846 A1 ¶ [0041])

Stewart 2002/0120846 A1 fails to explicitly teach;

the participant institutions are entities that provide account-owner data linked to ~~associated with~~ accounts maintained at both the participant institutions and non participant institutions to the database on a regular basis[[;]], the participant institutions are entities that are obligated to provide account-owner data to the account owner verification database, and the non-participant institutions are entities that are capable of supplying account-owner data, but are not obligated to provide account-owner data to the account-owner verification database and that are unable to access the account-owner verification database:

(ii) at least one data element corresponding to the entered account number; (e) querying by the computer system the account-owner verification database which includes account-owner data linked to associated with accounts maintained at both the participant institutions and the non-participant institutions

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant database as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 2 (Currently Amended) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches a method of claim 1.

Stewart 2002/0120846 A1 further discloses automatically and periodically updating the data element fields in the database with account-owner data elements from ~~recently~~ accounts opened or ~~recently~~ maintained ~~accounts~~ in the participant institutions, wherein these account-owner data elements have not previously been updated in the database.

("FIG. 11 illustrates the operation of the SCAN host 163. The SCAN host 163 is responsible for accepting, managing, and delivering check contribution data to and from external and internal sources. The SCAN host 163 also provides continuous negative file update information to the SCAN online module 161. The SCAN host 163 is primarily a batch system." Stewart 2002/0120846 A1 ¶ [0085])

As per claim 3 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches a method of claim 1.

Stewart 2002/0120846 A1 further discloses organizing the account-owner data elements associated with accounts maintained at the participant institutions according to account number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

Stewart 2002/0120846 A1 participant institutions and non-participant institutions

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant database as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 4 (Currently Amended) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches a method of claim 3.

Stewart 2002/0120846 A1 further discloses organizing the account numbers and their ~~associated~~ linked account-owner data elements according to routing transit number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

5. (Canceled)

As per claim 6 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches a method of claim 1.

Stewart 2002/0120846 A1 further discloses extracting account-owner data elements from check printing data. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

As per claim 7 (Currently Amended) Stewart 2002/0120846 A1 discloses a computer system having account-owner verification database comprising:

a computer usable media ("The infrastructure layer 58 includes a common object request brokerage architecture ("CORBA")/Enterprise Java Beans module 130, a database management system ("DBMS") module 132, a middleware module 134, and a security module 136. The CORBA/Enterprise Java Beans module 130 provides a way of communicating between distributed objects and executing programs written in different languages regardless of where the programs reside in the system (or network), or on what platform the programs run." Stewart 2002/0120846 A1 ¶ [0052]);

wherein the computer system is programmed to process a query to the database and transmit a response, wherein the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element: or the response specifies ~~supplies information indicating~~ that information is unavailable for a given data element if

there is no account-owner data stored in the data element field corresponding to the entered account number. ("The invention provides an identity verification system for verifying the identity of a consumer involved in a debit transaction. The identity verification system may include an identity verification module including a fraud indicator search module and a consumer identity validation search module. The identity verification module may be configured to receive a request to verify the identity of a consumer involved in a debit transaction, receive at least one consumer identification debit data element, generate an identity verification score, compare the identity verification score against a threshold value, and generate a response message to the request to verify the identity of a consumer involved in a debit transaction. The response message provides a confirmation or invalidation of the identity of the consumer." Stewart 2002/0120846 A1 ¶ [0041])

Stewart 2002/0120846 A1 fails to explicitly teach a plurality of data element fields populated with participant data elements and non-participant data elements, wherein the participant data elements are collected from one or more participant institutions and the participant data elements are associated with one or more participant accounts in the participant institutions, wherein the participant institutions are entities that provide account-owner data to the database on a regular basis; and

the non-participant data elements are collected from a plurality of check images corresponding to a plurality of checks presented to the one or more participant institutions and the non-participant data elements are associated with one or more non\-participant accounts in the non-participant institutions, wherein the non-participant

institutions are entities capable of supplying account-owner data, but are not obligated to provide account-owner data to the database,

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant database as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 8 (Currently Amended) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the data element fields are automatically and periodically updated with account-owner data elements from ~~recently~~

accounts opened or ~~recently~~ maintained ~~accounts~~ in the participant institutions, wherein these account-owner data elements have not previously been updated in the database. ("FIG. 11 illustrates the operation of the SCAN host 163. The SCAN host 163 is responsible for accepting, managing, and delivering check contribution data to and from external and internal sources. The SCAN host 163 also provides continuous negative file update information to the SCAN online module 161. The SCAN host 163 is primarily a batch system." Stewart 2002/0120846 A1 ¶ [0085])

As per claim 9 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the data elements are organized in the data element fields according to account number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

Stewart 2002/0120846 A1 fails to explicitly teach participant and non-participant data elements

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner,

merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant data elements as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 10 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches an account-owner verification database of claim 9.

Stewart 2002/0120846 A1 further discloses that the account numbers and their associated data elements are organized in the data element fields according to routing transit number. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

Stewart 2002/0120846 A1 fails to explicitly teach participant, and non-participant data elements

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant data elements as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 11 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the non-participant data elements are extracted from check images. ("The raw MICR format includes the data gathered by physically scanning an image of a check." Stewart 2002/0120846 A1 ¶ [0068])

Stewart 2002/0120846 A1 fails to explicitly teach non-participant data elements

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant data elements as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 12 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches an account-owner verification database of claim 7.

Stewart 2002/0120846 A1 further discloses that the data elements are extracted from check printing data. ("The page 46 includes a virtual check 47 having dialog boxes 48 and 49 for entry of a printed parsed MICR number. This number is broken down into two

components: a routing and transit number ("RTN") or financial institution specific number, and a checking account number." Stewart 2002/0120846 A1 ¶ [0045])

Stewart 2002/0120846 A1 fails to explicitly teach non-participant data elements

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant data elements as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

As per claim 13 (Currently Amended) Stewart 2002/0120846 A1 discloses a method of verifying information linked to ~~associated with~~ transacting on an account, the method comprising:

(a) providing a computer system having an account-owner verification database, the database including account-owner data corresponding to a plurality of data element fields and organized ~~according to~~ by account number ("ACH files are transmitted on behalf of the merchant into the ACH network for distribution to the Receiving Depository Financial Institutions ("RDFI")." Stewart 2002/0120846 A1 ¶ [0061]),

the participant institutions are entities that provide account-owner data to the database on a regular basis; and (b) entering into the database, for an account to be verified:

(i) an account number; and (ii) at least one data element corresponding to the entered account number("As is known in the art, the SCAN server 160 includes a database of check information that includes the history of check activity for individuals, and is used to make determinations as to whether a personal check should be accepted from a person paying by check. The check information in the database includes information about closed accounts, stop payments, uncollected funds, payees that are deceased, frozen accounts, and the identity of high-risk customers, i.e., customers that have a high likelihood of writing checks that may be returned due to insufficient funds. The SCAN server 160 includes a SCAN online module 161 (real-time risk management system that utilizes both the MICR information from the check and the customer's driver's license number), a SCAN reporter 162 (a module that creates reports in response to queries), and a SCAN host 163 (the base software and the database of check information). The SCAN server 160 may execute check authorization filters if an authorization service request is received." Stewart 2002/0120846 A1 ¶ [0056]);

(c) querying by the computer system the account-owner verification database, which includes account-owner data linked to ~~associated with~~ accounts;

(d) transmitting by the computer system a response from the database for each of the centered data elements ("ACH files are transmitted on behalf of the merchant into the ACH network for distribution to the Receiving Depository Financial Institutions ("RDFI")." Stewart 2002/0120846 A1 ¶ [0061]),

wherein the response is positive for a given data element if the account-owner data stored in the data element field corresponding to the entered account number matches the entered data element, the response is negative for a given data element if the account-owner data stored in the data element field corresponding to the entered account number does not match the entered data element, or the response specifies ~~supplies information indicating~~ that information is unavailable for a given data element if there is no account-owner data stored in the data element field corresponding to the entered account number ("The invention provides an identity verification system for verifying the identity of a consumer involved in a debit transaction. The identity verification system may include an identity verification module including a fraud indicator search module and a consumer identity validation search module. The identity verification module may be configured to receive a request to verify the identity of a consumer involved in a debit transaction, receive at least one consumer identification debit data element, generate an identity verification score, compare the identity verification score against a threshold value, and generate a response message to the request to verify the identity of a consumer involved in a debit transaction. The response

message provides a confirmation or invalidation of the identity of the consumer." Stewart 2002/0120846 A1 ¶ [0041]) and

(e) generating a report of the response. (The consumer's bank 42 records the payment on the consumer's bank statement and sends the bank statement to the consumer." Stewart 2002/0120846 A1 ¶ [0041])

Stewart 2002/0120846 A1 fails to explicitly teach account-owner data being obtained from participant institutions and linked to ~~associated with~~ accounts ~~maintained at~~ held by participant institutions and non-participant institutions,

the non-participant institutions are entities that are capable of supplying account- owner data, but not obligated to provide account-owner data to the database;

account-owner verification database, which includes account-owner data linked to ~~associated with~~ accounts ~~maintained at~~ held by both the participant institutions and the non-participant institutions.

Weinflash US 2003/0217003 A1 teaches "The present invention taps the rich source of information contained in the incoming returns files and the transit item files, and then uses the information to create a "non-participant database" that can work alongside of the existing participant database, or as a stand-alone database. In this manner, merchants, banks, and payment processors can further reduce payment losses from bad checks." (Weinflash US 2003/0217003 A1 ¶ [0045])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Stewart 2002/0120846 A1 to include non-participant database as taught by Weinflash US 2003/0217003 A1. One of ordinary skill in the art at the time

of the invention would have been motivated to expand the method of Stewart 2002/0120846 A1 in this way since the non-participant data can be applied to a statistical model ("scoring model") which uses statistical analysis to determine the likelihood that a check from a specific non-participant checking account will return (i.e., not clear). The results of the statistical model are used to populate a non-participant database 20. (See at least ¶ [0048] of Weinflash US 2003/0217003 A1).

14-16. (Canceled)

As per claim 17 (Previously presented) Stewart 2002/0120846 A1 in view of Weinflash US 2003/0217003 A1 teaches a method of claim 13.

Stewart 2002/0120846 A1 further discloses entering a routing transit number corresponding to the entered account number. ("The raw MICR format includes the data gathered by physically scanning an image of a check. The raw MICR format represents the actual string of MICR characters with the special symbol characters being replaced by the letters T (routing and transit), O (on us), A (account), and D (dash). Entering in the raw MICR usually involves using a special MICR keypad on the browser. Imbedded spaces in the raw MICR often make it difficult for the consumer to enter in the exact MICR as it appears on their check." Stewart 2002/0120846 A1 ¶ [0068])

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gerald Vizvary
Patent Examiner, A.U. 3684
March 19, 2010

/Nga B. Nguyen/
Primary Examiner, Art Unit 3684